

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
S/S Trump Mill Road, 120' W * ZONING COMMISSIONER
of the c/l of Hensel Avenue * OF BALTIMORE COUNTY
(5603 Trump Mill Road) * Case No. 88-405-A
14th Election District *
6th Councilmanic District *
John Gwiazdowski, et ux *
Petitioners *

MEMORANDUM AND ORDER

The Petitioners herein request a variance to permit a tract boundary setback of 20 feet for a proposed dwelling in lieu of the required 35 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protestants. Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, it is the opinion of the Zoning Commissioner that the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and therefore, the variance should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of April, 1988 that a tract boundary setback of 20 feet for a proposed dwelling in lieu of the required 35 feet, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restriction:

April 20, 1988

Mr. & Mrs. John Gwiazdowski
5012 E. Preston Street
Baltimore, Maryland 21205

RE: Petition for Zoning Variance
S/S Trump Mill Road, 120' W of the c/l of Hensel Avenue
(5603 Trump Mill Road)
14th Election District; 6th Councilmanic District
Case No. 88-405-A

Dear Mr. & Mrs. Gwiazdowski:

Enclosed please find the decision rendered in the above-referenced case. The Petition for Zoning Variance has been Granted, subject to the restrictions noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
of Baltimore County

JRH:bjs

cc: People's Counsel

File

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

JRH:bjs

ZONING DESCRIPTION

Beginning on the south side of Trumps Mill Road
30 feet wide, at the distance
of 120 feet west of the center line of Hensel
Avenue. Being Lot # 1 in the subdivision of "ACT 20
Kenwood Park. Book No. 52, Folio 46. Also known as
5603 Trumps Mill Road in the 14th Election District.
Containing 1.04 Ac.

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Ordinance of Baltimore County, will hold a public hearing on the property described herein in Room 111 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Petition for Zoning Variance
Case number: 88-405-A
S/S Trump Mill Road, 120' W of Hensel Avenue
(5603 Trump Mill Road)
14th Election District
6th Councilmanic District
Petitioner(s): John Gwiazdowski, et ux
Hearing Date: Thursday, April 14, 1988 at 11:00 a.m.
Notice to permit a tract boundary setback of 20 ft. in lieu of the required 35 feet.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, entertain any request for a stay of the decision and permit during this period for good cause shown. Such request must be in writing and received in the office by the date of the hearing or above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
1300 Mar 24

CERTIFICATE OF PUBLICATION

TOWSON, MD. March 24, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on March 24, 1988.

THE JEFFERSONIAN,

Publisher

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1901.2.5.2.8 to permit a tract boundary setback of 20 ft. in lieu of the required 35 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)
1. The excavator explained that moving the southwest corner of proposed house over from 35 feet to 20 feet to the property line would help prevent water damage to the footers and foundation wall on the southeast corner by the floodplain street.
2. The street is actually 4 feet higher in elevation than the existing ground for the proposed house. This could cause potential flooding problems of the property and house in the event of the drainage ditch flooding over and naturally sloping onto the lower property elevation.
3. Moving the building envelope for the minimum side yard distance from 35 feet to 20 feet on the west side would definitely decrease the possibility of flood problems. Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 47451

E. Preston St. 483-2688
Phone No. 21205
Innore, Maryland

DATE 1/17/88

ACCOUNT 01-115 000

AMOUNT \$ 35.00

RECEIVED FROM John Gwiazdowski

FOR Lot # 253

VALIDATION OR SIGNATURE OF CASHIER

County, on the 11th day of April, 1988, at 11 o'clock

4 M.

ESTIMATED LENGTH OF HEARING (1/2HR) + 1HR

AVAILABLE FOR HEARING MON./TUES./WED. - NEXT TWO MONTHS (over)

ALL OTHER DATE 1/17/88

REVIEWED BY: u002

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 144

Date of Posting 4/1/88

Posted for Variance

Petitioner: John Gwiazdowski, et ux

Location of property: S/S Trump Mill Rd, 120' W of Hensel Ave

5603 Trump Mill Rd

Location of Sign: Trump Mill Rd, corner of Hensel Ave

near intersection of Hensel Ave & Trump Mill Rd

Remarks: See attached

Posted by: u002

Date of return: 4/1/88

Number of Signs: 1

CERTIFICATE OF PUBLICATION
Office of
THE AVENUE NEWS
412 Eastern Blvd
Baltimore, Md. 21221
MARCH 24, 1988
THIS IS TO CERTIFY, that the annexed advertisement of
FOR 08526 REV. 1/1/81 TO ADVERTISE PETITION FOR
ZONING VARIANCE CASE NUMBER 88-405-A, S/S TRUMP MILL
ROAD, 120' W OF HENSEL AVENUE, 14TH ELECTION DISTRICT
14th E.D. 6th COUNCILMANIC DISTRICT PETITIONERS:
JOHN GWIAZDOWSKI ET UX HEARING SCHEDULED THURSDAY
APRIL 14, 1988 at 11:00 am
77 times at \$42.35
as inserted in The Avenue News a weekly newspaper
published in Baltimore County, Maryland once a week for case
succession weekly before the 25th day of MARCH 19 88.
that it to say, the same was inserted in the issues of 3/24/ 19 88
The Avenue Inc.
per publisher
David Caldwell

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Ordinance of Baltimore County, will hold a public hearing on the property described herein in Room 111 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Petition for Zoning Variance
Case number: 88-405-A
S/S Trump Mill Road, 120' W of Hensel Avenue
(5603 Trump Mill Road)
14th Election District
6th Councilmanic District
Petitioner(s): John Gwiazdowski, et ux
Hearing Date: Thursday, April 14, 1988 at 11:00 a.m.
Notice to permit a tract boundary setback of 20 ft. in lieu of the required 35 feet.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, entertain any request for a stay of the decision and permit during this period for good cause shown. Such request must be in writing and received in the office by the date of the hearing or above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
454-3333

J. Robert Haines
Zoning Commissioner

Date: 4/6/88

Mr. & Mrs. John Gwiazdowski
5012 E. Preston Street
Baltimore, Maryland 21205

Re: Petition for Zoning Variance
Case number: 88-405-A
S/S Trump Mill Road, 120' W of Hensel Avenue
(5603 Trump Mill Road)
14th Election District - 6th Councilmanic District
Petitioner(s): John Gwiazdowski, et ux
HEARING SCHEDULED: THURSDAY, APRIL 14, 1988 at 11:00 a.m.

Dear Mr. & Mrs. Gwiazdowski:

Please be advised that \$ 35.00 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 50582

Sign Post Rec

DATE 4/6/88

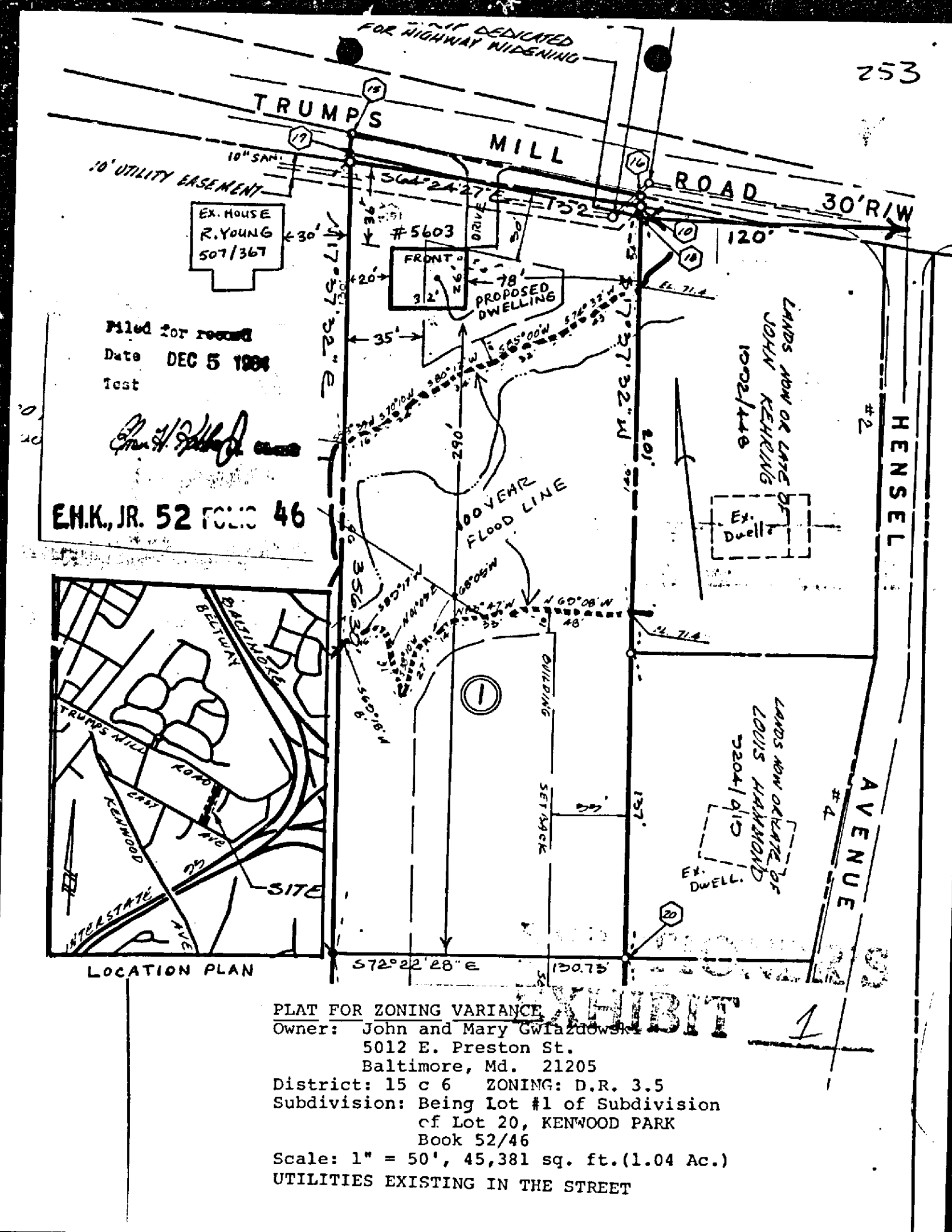
ACCOUNT 10-115 000

AMOUNT \$ 35.00

RECEIVED FROM John Gwiazdowski

FOR Sign Post Rec

VALIDATION OR SIGNATURE OF CASHIER



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
494-3353

FEB 26 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
Case number: 88-405-A
S/S Trumps Mill Road, 120' W c/l Hensel Avenue
(6503 Trumps Mill Road)
14th Election District - 6th Councilmanic District
Petitioner(s): John Gwiazdowski, et ux
HEARING SCHEDULED: THURSDAY, APRIL 14, 1988 at 11:00 a.m.

Variance to permit a tract boundary setback of 20 ft. in lieu of the required 35 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
cc: Mr. & Mrs. Gwiazdowski
File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commissioner
P. David Fields
FROM: Director of Planning and Zoning
Zoning Petition Nos. 88-400-A,
88-402-A, 88-403-A, 88-404-A,
88-405-A, 88-406-A, 88-407-A
SUBJECT: 88-405-A, 88-406-A, 88-407-A

Date: March 24, 1988

There are no comprehensive planning factors requiring comment on this petition.

P. David Fields per J. Haines
P. David Fields
Director

PDF:dm

cc: Ms. Shirley M. Howe, Legal Assistant, People's Counsel
File

RECEIVED
APR 4 1988
ZONING OFFICE

CPS-008

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 5, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. & Mrs. John Gwiazdowski
5012 E. Preston Street
Baltimore, Maryland 21205

Item No. 253 - Case No. 88-405-A
Petitioner: John Gwiazdowski, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Gwiazdowski:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:cer

Enclosures

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
494-3354

February 12, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 247, 248, 250, 251, 252, 253, 254, 255 and 256.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/pml-b

Zoning Board of Appeals
Room 200
Courthouse
Towson, Md. 21204

Attn: Mr. William T. Hackett

re: Case # 88-405-A
to be heard Thurs, April 14

Dear Sir:

We are writing in regards to the case listed above which is asking to change the boundary setback from 35 to 20 feet. Our house is located next to this property on the west and we would be affected by this variance. Due to our work schedules we will not be able to attend the hearing.

This is a letter to state our concerns so that you might give them consideration in your decision. Our three concerns are safety, privacy, and respect for the existing flood plain. We hope that if the variance is granted that the builder would be required to use materials that would protect our dwelling from any fire hazard. The owner has already advised us that he plans no windows or doors on the west side of the house. If that were to be required, then our privacy would somewhat be protected. Lastly, we are upstream from this property. We are already subject to considerable flooding in our backyard. Any tampering with the flood plain on the adjoining property would certainly affect our property. We feel sure that the County will require protection of the flood plain, but we mention it nonetheless as one of our concerns.

We have no objection to a home being built next to us, but since changing the rules will affect us, we wanted to make sure that our feelings will be considered in this case. Thank you for your time and attention.

Sincerely,

Mr. & Mrs. Robert A. Young
Mr. & Mrs. Robert A. Young

TO: ZONING BOARD OF APPEALS
FROM: MR. & MRS. ROBERT A. YOUNG
DATE: FEBRUARY 12, 1988

ZONING OFFICE

Baltimore County
Fire Department
Towson, Maryland 21204-2286
494-4500

Paul H. Reincke

January 20, 1988

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: John Gwiazdowski, et ux

Location: S/S Trumps Mill Road, 120' W. of c/l Hensel Avenue

Item No.: 253

Zoning Agency: Meeting of 1/26/88

Comments:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John F. O'Neill*
Noted and Approved: *John F. O'Neill*
Planning Group
Special Inspection Division

/s/

88-405-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
1st day of February, 1988.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
Petitioner: John Gwiazdowski, et ux
Received by: *James E. Dyer*
Chairman, Zoning Plans
Advisory Committee

The attached letter has been addressed to this Board in error.

It belongs with the zoning office file - Case No. 88-405-A, John W. Gwiazdowski, et ux which is scheduled to be heard in the zoning office on Thursday, April 14.

Karl
Board of Appeals
4-13-88